

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

1/18/2005 4:30 pm

WALTER A.Y.H. CHINN, CLERK

CASE NUMBER: CR 04-00089DAE  
CASE NAME: USA v. (02)Ernie Saldua, Jr.  
ATTYS FOR PLA: Kenneth Sorenson  
ATTYS FOR DEFT: (02)Philip Lowenthal  
USPO: Anne Shimokawa

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JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 1/18/2005

TIME: 2:15pm-3:00pm

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COURT ACTION: EP: Sentencing to Count 1 of the Indictment as to Defendant (02)Ernie Saldua, Jr. Government's Motion for Downward Departure.

Defendant (02)Ernie Saldua, Jr. present, not in custody.

The Memorandum Plea Agreement is accepted.

Government's Motion for Downward Departure-GRANTED.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant (02)Ernie Saldua, Jr.

SENTENCE:

Imprisonment: 36 MONTHS

Supervised Release: 5 YEARS

CONDITIONS:

- 1) That the defendant shall abide by the standard conditions of supervision.
- 2) That the defendant not commit any crimes, federal, state, or local (mandatory condition).

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- 3) That the defendant not possess illegal controlled substances (mandatory condition)
- 4) That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, as directed by the Probation Office (mandatory condition).[DRUG TESTING WAIVED]
- 5) That the defendant shall not possess a firearm as defined in 18 U.S.C. §921, as well as any ammunition, destructive device, or any other dangerous weapons.
- 6) That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- 7) That the defendant provide the Probation Office access to any requested financial information.
- 8) That the defendant not reside in within 100 miles of Las Vegas, Nevada, Reno Nevada, or Atlantic City, NJ. And defendant not reside within 25 miles of any gambling establishment.
- 9) Defendant may return to his residence in Las Vegas, NV, to relocate to live with his mother in California.

Special Assessment: \$100.00.

JUDICIAL RECOMMENDATIONS: Nellis, NV. Prison Camp. Boot Camp Program. Mental health treatment. Educational and Vocational training.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss Count 2 as to this Defendant Only - GRANTED.

Mittimus is stayed until 3/14/2005 @2:00pm, local time.

Defendant to self-surrender @2:00pm on 3/14/2005 at the facility designated by the Bureau of Prisons. The time is the time at the facility.

Submitted by: Theresa Lam, Courtroom Manager